



Chapter 8. Local Government Right of Way Acquisition - Contents

Chapter 8. Local Government Right of Way Acquisition - Contents..... 8-i

8.1 Overview of Local Government Right of Way Acquisition Responsibilities 8-1

8.2 Acquisition Guide For Local Public Agencies And Sponsors 8-1

8.3 Right of Way References 8-2

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8.1 Overview of Local Government Right of Way Acquisition Responsibilities

The Right of Way Office primary responsibility is to provide guidance to local public agencies and their sponsors in determining appropriate right of way procedures to be followed as a condition of obtaining funds through various transportation programs administered by the Department. The Right of Way Office will assist the Local Government with monitoring the acquisition process to ensure compliance with Federal and state laws, attends public hearings, property owner meetings, and field plan reviews.

The Right of Way Office guide and assist in implementing federal & state procedures; prepares acquisition contracts, approved right of way plans, review and approve appraisal reports, issues notice to proceed and advise on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended

It is the responsibility of the Local Government to hire qualified appraisers, acquire property according the Federal and state regulations, and have all appraisals reviewed by qualified review appraisers. Prior to bid activities the Local Government will obtain all utility/railroad agreement approvals and construction easements. The Local Government will send the right of way certification document to the District Right-of Way LG Coordinator who will forward the certification document to the G.O. State LG Right-of-Way Coordinator. Note that the certification of right of way will be based on information provided to the GDOT Office of Right of Way by the Local Government for their Local project letting. It is the Local Government's responsibility to follow Federal and State requirements (See 6.3 Right of Way References).

8.2 Acquisition Guide for Local Public Agencies and Sponsors

The purpose of the GDOT *Acquisition Guide for Local Public Agencies and Sponsors* Manual is to provide the Local Governments and their sponsors with guidance in determining appropriate right of way procedures to be followed as a condition of obtaining funds through various transportation programs administered by the GDOT. The Manual provides to process for right of way acquisition, identifies the different types of projects, applicable forms and billing procedures.

The GDOT *Acquisition Guide for Local Public Agencies and Sponsors* provides how to get started with pre-acquisition activities, and property acquisition procedures. This Guidance document will also provide direction regarding appropriate right of way requirements for projects on the State Highway System that are not in the Department's work program but are funded and constructed by entities other than the Department. This guide will identify the different types of projects, applicable forms and procedures necessary for compliance with all program types.

The Acquisition Guide also serves as a reference guide and help ensure in accordance with 23 CFR 710.201(c) as well as ensures compliance with FHWA, Georgia State Statutes and current GDOT procedures. The guide is updated to include any changes in policy and procedures and responsible to ensure compliance with federal regulations. It provides guidance to Local Governments to help schedule adequate time to complete right of way activities in order to meet the target date for construction.

The Acquisition Guide for Local Public Agencies provides guidance to Local Governments when the Local Governments can begin to purchase right of way for a federal-aid right of way projects and If federal funds will be utilized in *any* portion of the project (not just right of way), all requirements of the *Uniform Act* apply. It helps the Local Government to determine what and when real property is needed to include fee simple, permanent easements and temporary easements. Additionally, it will address billing procedures in order to receive appropriate payments.

By contacting the GDOT Right of Way Office and observing the right of way procedures in the *Acquisition Guide for Local Public Agencies and Sponsors* should avoid project delays and assure Federal-aid eligibility. However, if a Local Government starts property acquisition discussions with owners before NEPA document approval or appraisal completion a violation of Federal-aid regulations will occur resulting in Federal-aid eligibility termination. Termination of Federal-aid eligibility will occur at any time by the Federal Highway Administration (FHWA) when a LG violates requirements of 49 CFR 24, 23 CFR 710 or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

8.3 Right of Way References

Federal Highway Administration Real Estate Division: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act)

<http://www.fhwa.dot.gov/realestate/ua/index.htm>

The *Acquisition Guide for Local Public Agencies and Sponsors* is at website:

<http://www.dot.ga.gov/PS/Public/ROW>

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